

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

JAMES GERMALIC, Independent) 4:08CV3223
Candidate for President, Pro Se,)
)
 Plaintiff,)
)
 v.) **MEMORANDUM
AND ORDER**
)
)
 JOHN A. GAGE, Secretary of State)
 Lincoln, Nebraska,)
)
 Defendant.)

This matter is before the court on its own motion. Plaintiff filed the Complaint in this matter on October 31, 2008. (Filing No. 1.) Defendant was served with summons and a copy of the Complaint on October 31, 2008, and the summons was returned as executed on November 3, 2008. (Filing No. 5.) Defendant has not filed an answer or other responsive pleading. (See Docket Sheet.) It appears that Plaintiff intended to sue and serve John *Gale*, the Nebraska Secretary of State. However, Plaintiff has not done so. The Nebraska Attorney General may wish to file an appropriate motion to avoid the entry of a confusing default judgment against “John A. Gage, Secretary of State.”

IT IS THEREFORE ORDERED that:

1. The court requests that the Nebraska Attorney General review this matter and, if appropriate, file a motion no later than March 25, 2009.
2. The Clerk of the court is directed to mail a copy of this Memorandum and Order to Defendant and the Nebraska Attorney General by regular first-class mail.

3. The Clerk of the court is directed to set a pro se case management deadline in this matter with the following text: March 25, 2009: check for response from AG.

February 23, 2009.

BY THE COURT:

s/Richard G. Kopf
United States District Judge